

ORDINANCE NO. 03-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING SECTION 10-192, SPECIAL DEVELOPMENT STANDARDS FOR ENVIRONMENTALLY SENSITIVE ZONES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Section 10-192 of Chapter 10 of the Code of Laws of Leon County, Florida, is hereby amended as follows:

Sec. 10-192. (b) through (f) unchanged

(g) *Lake Lafayette Special Development Zone.* Special development zones adjacent to Lake Lafayette, its tributaries and waterbodies within the Lake Lafayette basin are hereby designated. Nothing herein shall modify the other specific requirements set forth in the Bradfordville Sector Plan, as amended from time to time. The following classes of waterbodies and conveyances shall be exempt from the requirements of this section:

- Waterbodies constructed in upland areas for aquacultural, agricultural or recreational purposes. The waterbody must have been constructed in a location where no natural waterbody, watercourse or wetland previously existed.
- Tributaries or segments thereof which are open channel stormwater conveyances constructed in upland areas in a location where no natural conveyance existed prior to the construction activity.
- Permitted stormwater management facilities.

The following minimum design and development standards shall apply, notwithstanding any less restrictive provisions in any state law or regulation or local ordinance:

(1) *Zone A.* Zone A includes the following areas: the 100-year floodplain around Lake Lafayette; a tributary buffer extending 125 feet from either side of the tributary's centerline or top of bank, whichever is greater; for all waterbodies other than Lake Lafayette, a waterbody buffer extending 125 feet landward from the normal high water line.

a. *Development area limitations.* Development, as defined in Sections 10-1 and 10-167 is excluded from zone A, except for the following:

1. For previously platted lots or lots of record, created before January 1, 2004, and located entirely within, or substantially within zone A, Clearing, soil disturbance, and building area shall not exceed the greater of 4,000 square feet or five percent of that part of the development site located within zone A. For purposes of calculating this base square footage, the septic tank and drainfield area shall not be included, and gravel driveways kept on grade will be considered as 50% disturbed.

2. The width of the tributary or waterbody buffer required to be left undisturbed may be reduced from 125 feet to the width determined using the following formula:

$$\text{Buffer Width (feet)} = (80)(S^{0.4}) / n$$

where: S = average grade (slope) of land surface in the buffer area, expressed in feet/feet (i.e., if slope is 6%, then S=0.06)

n = Manning's roughness coefficient based on conditions in the buffer area.

This calculation of the undisturbed vegetated runoff buffer required shall be performed by a registered professional engineer. Despite the results of this calculation, the width of the tributary or waterbody buffer required to be left undisturbed shall not be less than 75 feet.

3. The width of the tributary or waterbody buffer required to be left undisturbed can be reduced to 75 feet if a development project's stormwater facilities meet all of the following design criteria: (1) Water quality treatment shall be provided by taking 3/4 of an inch over the total drainage area discharging to the stormwater facility and retaining it in an off-line retention facility; (2) The full treatment volume shall again be available within 72 hours following a storm event and appropriate on-site soils tests shall be submitted to verify the recovery rate. Assuming these criteria are satisfied, a 20 foot wide path through the 75 foot buffer can also be disturbed if necessary to discharge stormwater from the stormwater facility to the receiving floodplain, tributary, waterbody, or wetland.
24. No cut and fill and no fill except as necessary and specifically authorized for permitted impervious areas.
35. Reasonable minimum clearing for docks and access to these docks accessory to a single family use may be permitted as an exception when constructed in accordance with state and local permit criteria.
6. Established lawns and actively managed pastures existing on developed lots prior to the adoption of this code may continue to be maintained provided there is no change in usage of the lot.
7. Access easements, drainage easements, utility easements, and rights-of-way existing prior to the adoption of this code and any structures or other works legally constructed within such easements and rights-of-way prior to the adoption of this code may continue to be maintained in an appropriate and reasonable manner.

8. Linear public and private infrastructure projects, such as roadways, bridges, and utilities, may be constructed through the Zone A tributary buffers as long as the project applicant applies for and obtains an appropriate environmental management permit and the permit applicant demonstrates, to the satisfaction of the County Administrator or designee, that: (a) the construction is necessary to establish a tributary crossing; (b) there is no other practicable alternative that would avoid the proposed impact to Zone A; (c) the proposed project employs all practicable measures to minimize the proposed impact to Zone A; (d) the proposed project includes a mitigation plan that adequately compensates for the proposed impacts, and; (e) the proposed project meets all other applicable Land Development Code requirements.

b. *Natural vegetation protection zone.*

Unless otherwise indicated in this subsection, All vegetation located in the following areas shall be protected in a natural state: for Lake Lafayette, the area from the water's edge or the normal high water line, whichever provides the greater area of protection, to a minimum distance of 50 75 feet upland or the full extent of the flood-zone 100-year floodplain, whichever is greater, except that a single path with a maximum width of 30 feet, may be cleared and maintained to provide essential access to the water and any permitted dock; for waterbodies other than Lake Lafayette and for tributaries, all of the required Zone A tributary and waterbody buffers. In the case of Lake Lafayette and other waterbodies, a single path with a maximum width of 30 feet may be cleared and maintained to provide essential access to the water and any permitted dock. In the case of tributaries, a single path with a maximum width of 15 feet may be cleared and maintained to provide essential access to the tributary. Noxious or invasive vegetation listed on the Florida Exotic Pest Plant Council's List of Invasive Species or its successor publication, may be removed pursuant to a vegetation management plan which is submitted to and approved by the Director. Annual (or less frequent) cutting of woody plants, controlled burning, and planting of native species, such as to improve the environmental function of the area, is allowed pursuant to a vegetation management plan which is to be submitted to and approved by the Director.

c. *Motor vehicle prohibition.*

Automobiles, motorcycles, dune buggies, or other wheeled motorized or tracked vehicles shall not be allowed within any portion of zone A, including any portion of lake waterbody bottom periodically exposed as a result of natural or artificial drawdown, except as follows:

1. Entry shall be allowed into those areas which must be entered to provide reasonable access to structures, to approved boat launching areas, to public parks, to approved rights-of-way, or to public roadways, or to access easements, drainage easements, and utility easements in existence prior to the adoption of this code.
2. Lawn mowers shall be allowed in areas within zone A which lie landward of the natural vegetation zone, unless otherwise prohibited by this article.

3. Entry shall be allowed where associated with bona fide public uses, such as agency research, law enforcement, and approved lake, waterbody, or tributary restoration and management activities.
- (2) Zone B. Zone B includes a distance extending 200 feet upland from the 100 year floodplain boundary of Lake Lafayette.
 - a. Development area limitations.
 1. Clearing, soil disturbance, and building area shall not exceed the greater of 4,000 square feet or 25 percent of that part of the development site located within zone B. For purposes of calculating this base square footage, the septic tank and drainfield area shall not be included, and gravel driveways kept on grade will be considered as 50% disturbed. For a lot that has both zone A and zone B, the 4,000 square foot minimum shall only be applicable once per lot.
 2. If more than 25 % of the area within zone B is proposed to be altered, water quality treatment shall be provided by taking 3/4 of an inch over the total drainage area discharging to the stormwater facility and retaining it in an off-line retention facility. The full treatment volume shall again be available within 72 hours following a storm event. Appropriate on-site soils tests shall be submitted to verify the recovery rate.
 - b. Established lawns existing on developed lots prior to the adoption of this code may continue to be maintained.
 - (3) *Variances.* To the extent that a variance, if granted, would not be inconsistent with any provision of the Comprehensive Plan, the County Administrator or designee shall serve as hearing officer and is hereby authorized to grant variances to Section 10-192(g)(2) for single family residential lots.
 - a. *Criteria.* Applications for variances under this subsection may only be approved when:
 1. The disturbance is limited to Zone B upland from Zone A, and
 2. Technical evidence based on slopes, soil erodability, isolation from the regional drainage system or other scientific data reasonably supports the conclusion that no significant adverse environmental impacts will result from the granting of the variance, and
 3. Literal enforcement of the requirements would result in an unnecessary and undue hardship not resulting from the actions of the property owners, and
 4. Granting of the variance will not impair the attainment of the objectives of this article.
 - b. There shall be no variance fee for single family residential lot variance requests under this Section.

- 1 c. Any applicant may request further review by the Board of Adjustment and Appeals
2 any decision made on the variance request by the County Administrator or designee.
3 Said further review shall be a de novo proceeding.
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5 d. Variances for non-single family residential lots shall follow the criteria in Section
6 10-192(g)(3)a. above and the procedures in Section 10-378(e), Variances.
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8 (4) The natural area requirements are defined in section 10-258.
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10 (5) The provisions in Section 10-192(g)(1)(zone A) and (2)(zone B) shall not apply to
11 expansions of pre-existing public roads if the applicant satisfactorily demonstrates that all
12 practical alternatives have been evaluated and the road expansion cannot practically be
13 completed due to these provisions.
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15 (6) The provisions in Section 10-192(g)(1)(zone A) and (2)(zone B) shall not apply to those
16 portions of a parcel where activities such as farming and silviculture have been ongoing at
17 the time that these provisions were adopted, provided that:
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19 a. the land parcel possessed a bonafide agricultural exemption as substantiated by the
20 records of the tax appraiser's office; ;
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22 b. and provided that usage of the parcel continues to constitute a bona fide agricultural
23 use, and;
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25 c. following the adoption of these provisions, the land parcel is not subdivided, is not
26 granted a new zoning designation, or is not the subject of an application for
27 subdivision or rezoning approval.
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29 (7) Prohibited land uses. See Section 10-975.
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31 (h) *Transfer of development intensity and density.* Unless otherwise specified for a particular zone,
32 development density for building areas, in terms of permitted coverage with impervious surfaces and
33 multifamily density, as specified for special development zones, may be transferred from any lower
34 to any higher elevations within the same property or contiguous to the same property and within the
35 same ownership, provided such development is a cluster plan development, PUD or site and
36 development plan development and is approved through the appropriate review process established
37 by this Code.
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39 (i) *Special development zones maps.* Maps generally depicting special development zones are on file
40 in the Tallahassee-Leon County Planning Department and the eCounty Community Development
41 Department and are by reference made a part hereof. Should any discrepancy or dispute arise with
42 regard to the location of any parcel or any existing or proposed improvements thereon, relative to
43 special development zones as mapped, the applicant may provide a survey performed by a registered
44 land surveyor to clarify the exact location of his parcel and any existing or proposed improvements
45 relative to the special development zone. Such discrepancy shall be resolved by the County
46 Administrator or the Administrator's designee.
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48 (Ord. No. 92-3, § 1(7-17), 1-28-92; Ord. No. 95-14, § 8, 9-12-95)
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Section 2. Conflicts

All ordinances or parts of ordinances in conflict with the provisions of the Ordinance are hereby repealed to the extent of such conflict, as of the effective date of this Ordinance, except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan, as amended, which provisions shall prevail over any parts of this Ordinance which are inconsistent, either in whole or in part, with the Comprehensive Plan.

Section 3. Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and, such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Effective Date

This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this ____ of _____.

LEON COUNTY, FLORIDA

BY: _____
TONY GRIPPA, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTEST:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

APPROVED AS TO FORM:
LEON COUNTY ATTORNEY'S OFFICE

BY: _____ BY: _____
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY